

Task Force on Trial Court Employees
FINAL MODEL FOR SURVEY DEFINITION OF COURT EMPLOYEE 2/25/99

Definition:

If questions (A) and (B) are both answered yes, the individual is a court employee for the purposes of this survey. If either question (A) or (B) is answered no, the individual is not a court employee, for the purposes of this survey.

(A) Is the individual paid from the court's budget,¹ regardless of funding source?

(B) Does the court² have the right to control the manner and means of the individual's work?

For purposes of this survey, the court's right to control the manner and means of the individual's work means that the court has the authority to hire, supervise³, discipline⁴, and terminate the individual. The court's authority to hire, supervise, discipline, and terminate the individual need not be exclusive and may be shared with other entities, including county personnel offices and agencies with statutory or licensing authority.

This definition excludes: (a) temporary employees hired through agencies; (b) jurors; (c) individuals hired by the court pursuant to an independent contractor agreement; (d) individuals for whom the county or court reports income to the Internal Revenue Service on a Form 1099 (rather than a form W-2) and therefore does not withhold employment taxes; and (e) judges, either elected or appointed.

This definition includes subordinate judicial officers (e.g., pro tem judges, commissioners, and referees, including referees appointed pursuant to California Code of Civil Procedure sections 638 and 639).

If the definition above excludes the functions/groups listed below, the survey will collect the following information from the court administrator, if available, on titles, duties, rate of pay, qualifications, and group benefits:

- Court security officers (including retirement information on this group)
- Court interpreters
- Court reporters
- Electronic recording monitors

¹ For purposes of this survey, *court's budget* is defined as funds from which the presiding judge of the court, or his or her designee, authorizes and directs expenditures. Includes local revenue, all grants, and trial court operations funds (Trial Court Funding Act, AB 233, Gov. Code, §77009(b)).

² For purposes of this survey, *court* includes judges in their individual or collective capacity, or their appointees, who are vested with the authority to hire, supervise, discipline, and terminate.

³ For purposes of this survey, *supervise* is defined as the authority to plan, direct, control, and evaluate the work of an employee.

⁴ For purposes of this survey, *discipline* is defined as a procedure such as reprimand, demotion, suspension, or reduction in pay that corrects or punishes a subordinate's behavior, such as behavior that results in poor work performance, low productivity, or violation of agency rules or regulations.

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<http://www2.courtinfo.ca.gov/tcemployees>

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